

ORIGINAL



0000135559

Arizona Corporation Commission

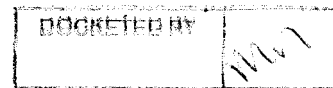
DOCKETED

APR - 2 2012

J. Alan Smith  
8166 Barranca Rd.  
Payson, Arizona 85541  
(928) 951-2083  
In Propria Persona

RECEIVED

2012 APR -2 A 9:43



AZ CORP COMMISSION  
BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION  
OF PAYSON WATER COMPANY FOR  
APPROVAL OF A WATER AUGMENTATION  
SURCHARGE TARIFF (MESA DEL CABALLO  
SYSTEM)

DOCKET NO. W-03514A-10-0116

IN THE MATTER OF THE NOTICE OF  
FILING OF PAYSON WATER COMPANY'S  
PROPOSED CHANGES TO ITS CURTAILMENT  
TARIFF (MESA DEL CABALLO SYSTEM)

DOCKET NO. W-03514A-10-0117

RESPONSE TO MOTION  
TO DISMISS

Pursuant to AAC R14-3-105 et seq.

**COMES NOW**, J. Alan Smith, a Customer of BROOKE UTILITIES, INC./PAYSON WATER CO. INC. in the Mesa del Caballo System (PWS 04-030) to respond to the Motion to Dismiss his Application for Intervention and Motion to Intervene in the above captioned matter and proceeds in propria persona.

Applicant, J. Alan Smith recognizes the fact that the Commission has made a previous decision in it Decision No. 71902 dated September 28, 2010.

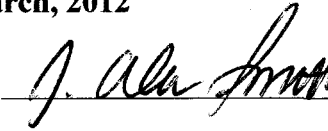
However, the Respondents are fully aware by the Procedural Order dated November 21, 2010 that on September 29, 2011 the Commission's Utilities Division ("Staff") filed a Staff Memorandum in response to the Company's Motion in which Staff recommended approval of the requested extension until March 31, 2012 in order for the Company to file an application for permanent rate increase.

Respondents are further fully aware according to Procedural Order mentioned herein and above that Mr. Gehring wished to intervene in the rate case proceeding which is to be filed on or about March 30, 2012 and that Mr. Gehring's name and address should be added to this proceeding's service list and the Company should notify Mr. Gehring personally by mail when the new rate application is filed in 2012 so that he will receive adequate notice to file for intervention in that proceeding.

To date, the Company has not filed an application for permanent rate increase and the Applicant sees no reason why he should be denied the courtesy as Mr. Gehring.

The Respondents have presented no cause whatsoever upon which the Application for Intervention must be dismissed and failed to, show cause why it should be dismissed.

**Respectfully submitted this 27<sup>th</sup> day of March, 2012**



J. Alan Smith in Propria Persona

**CERTIFICATE OF SERVICE**

The Original and 13 Copies of the foregoing has been mailed this 27<sup>th</sup> day March 2011 to the following:

**DOCKET CONTROL**

ARIZONA CORPORATION COMMISSION  
1200 West Washington St.  
Phoenix, Arizona 85007

A Copy of the Original of the foregoing has been mailed this 27<sup>th</sup> day March 2011 to the following:

Patrick J. Black  
Fennemore & Craig, P.C.  
Attorneys for Payson Water Co. Inc./Brooke Utilities  
3003 N. Central Ave., Suite 2600  
Phoenix, Ariz. 85012

Robert T. Hardcastle  
P. O. Box 82218  
Bakersfield, Ca. 93380

Mesa Del Caballo Water Committee  
C/O: El Caballo Club, Inc.  
8119 Mescallero Rd.  
Payson, Az. 85541

J.A.S.  
By: J. Alan Smith